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REMARKS

Applicants gratefully acknowledge withdrawal of the previous obviousness rejection of Claims 6-9 under 35 U.S.C. 103(a). Applicants note for the record that the previous rejection was based on U.S. Patent 6,730,312 ("Schneidersmann et al") and JP 11-049617 ("Tanaka et al") rather than on Schneidersmann et al and U.S. Patent 5,506,251 ("Thirugnanam et al"). The Thirugnanam et al patent is cited in the new rejection discussed below.

Applicants have amended Claim 6 to delete the compounds of component (b) identified in the unamended claim as (ii), (vii), and (xii). (Because the lower case Roman numerals used in Claim 6 have no inherent significance, Applicants have renumbered the definitions for formula (II).) Applicants reserve the right to file one or more divisional applications directed to the canceled subject matter.

Rejection under 35 U.S.C. 103

Claims 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patents 6,730,312 ("Schneidersmann et al") and 5,506,251 ("Thirugnanam et al"). Applicants respectfully traverse.

Schneidersmann et al discloses quaternary compositions containing (A) an insecticide or acaricide (preferably a neonicotinoid or phenylpyrazole of the specified general formulas) and (B) at least three fungicidally active compounds, including a phenylamide, a phenylpyrrole, and a triazole. E.g., column 1, line 51, through column 2, line 2. Schneidersmann et al does not specifically mention azole derivatives as specified by Applicants.

Thirugnanam et al discloses compositions containing N,N'-dibenzoyl-N'-tert-alkylhydrazines and any of a number of cytochrome P450 inhibitors, one of which is fenbuconazole. E.g., column 1, lines 12-14, and column 2, lines 11-13. Thirugnanam et al discloses the use of other active ingredients such as insecticides (see column 3, lines 7-14) but does not mention specific insecticides such as clothianidin (TI-435).

In view of Applicants' inclusion of fenbuconazole among the fungicides of their component (b), the Final Office Action concludes that those skilled in the art would be led by the cited references to the combinations claimed by Applicants. However, the Final Office Action has indicated that Applicants' data are sufficient to overcome the rejection as it relates to the elected species comprising clothianidin and triadimenol (definition (i)) and further acknowledges the structural similarity of

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triadimenol to compounds of formula (II) in which R² is non-aromatic (i.e., definitions (iii)-(vi), and (viii)-(xi) in unamended Claim 6) but not in which R² is aromatic (i.e., definitions (ii), (vii), and (xii) in unamended Claim 6). Without conceding the validity of the rejection, Applicants have amended Claim 6 to delete compounds in which R² is aromatic and respectfully submit that they have traversed this ground of rejection.

Applicants therefore respectfully submit that their claims are not rendered obvious by Schneidersmann et al and Thirugnanam et al.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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